

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re:

Lori A Sutphin  
AKA Lori Beth Ashcraft

Chapter 13  
Case No. 21-30254-KLP

Debtor

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**OBJECTION TO CONFIRMATION**

U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust (“U.S. Bank”) by its undersigned attorneys, Orlans PC, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor Lori A Sutphin (“Debtor”), and as grounds therefore states as follows:

1. On or about June 30, 2005, James E. Sutphin executed and delivered to Prosperity Mortgage Company a promissory note (the “Note”) in the amount of TWO HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$252,500.00), plus interest at the fixed rate of 5.75% per annum, to be paid over thirty (30) years.
2. Lori A Sutphin and James E. Sutphin executed a Deed of Trust to Prosperity Mortgage Company dated June 30, 2005. The Deed of Trust is a first mortgage on real property owned by the Debtor known and numbered as 8314 Mendenhall Place, Mechanicsville, VA 23111.
3. The Deed of Trust is materially in default.
4. The Debtor’s Plan treats U.S. Bank’s claim in section 4(a), the cramdown section of a Chapter 13 plan, as opposed to section 6(a).

5. The Property is the Debtor's principal residence within the meaning of 11 U.S.C. § 1322(b)(2) and U.S. Bank's secured claim cannot be modified.

WHEREFORE, U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust, by and through its attorneys prays that Confirmation be denied with leave to amend.

Date: March 3, 2021

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242

Orlans PC

PO Box 2548

Leesburg, VA 20177

(703) 777-7101

Attorneys for U.S. Bank Trust National Association,  
as Trustee of Dwelling Series IV Trust

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IN RE:

LORI A SUTPHIN  
AKA LORI BETH ASHCRAFT

Debtor

Chapter 13  
Case No. 21-30254-KLP

U.S. BANK TRUST NATIONAL  
ASSOCIATION, AS TRUSTEE OF  
DWELLING SERIES IV TRUST

Movant

v.

LORI A SUTPHIN  
AKA LORI BETH ASHCRAFT  
8314 MENDENHALL PLACE  
MECHANICSVILLE, VA 23111  
(Debtor)

SUZANNE E. WADE  
341 DIAL 877-996-8484 CODE 2385911,  
7202 GLEN FOREST DRIVE, STE. 202  
RICHMOND, VA 23226  
(Trustee)

Respondents

NOTICE OF OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN  
AND NOTICE OF HEARING

U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust has filed an objection to your Chapter 13 plan in this bankruptcy case.

Confirmation of your Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: Judge Phillips' Courtroom United States Bankruptcy Court Virginia, 701 East Broad Street, Richmond, VA 23219

on: April 21, 2021 at 9:10 AM

to consider and act upon Objection to Confirmation filed by U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: March 3, 2021

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242

Orlans PC

PO Box 2548

Leesburg, VA 20177

(703) 777-7101

Attorneys for U.S. Bank Trust National Association,  
as Trustee of Dwelling Series IV Trust

deisenhauer@orlans.com

**CERTIFICATE OF SERVICE**

The undersigned states that on March 3, 2021, copies of the foregoing Objection to Confirmation were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Suzanne E. Wade  
341 Dial 877-996-8484 Code 2385911, 7202 Glen Forest Drive, Ste. 202  
Richmond, VA 23226  
ecfsummary@ch13ricva.com  
*Bankruptcy Trustee*

Henry W. McLaughlin, III  
The Law Office of Henry McLaughlin, P.C.  
Eighth and Main Building 707 East Main Street  
Suite 1050  
Richmond, VA 23219  
*Debtor's Attorney*

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Objection to Confirmation to the following non-ECF participants:

Lori A Sutphin  
8314 Mendenhall Place  
Mechanicsville, VA 23111  
*Debtor*

/s/Daniel K. Eisenhauer  
Daniel K. Eisenhauer, Esquire